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SUBJECT: SALVADORAN NATIONAL ASSEMBLY PASSES WITNESS
PROTECTION LAW

Classified By: DCM Michael Butler. Reasons 1.4 (b,d).

¶1. (C) Summary: On April 26, the Salvadoran National Assembly finally passed a Witness and Victims Protection Law after more than a year of lobbying by the Embassy. The vote was 57-0, with 27 FMLN abstentions. The government's ARENA Party and the other right-of-center parties, as well as the moderate-left Revolutionary Democratic Front (FDR) Party supported the bill. As in the case of many other much-needed reforms, the FMLN again refused to support the bill, in keeping with their tactic of attempting to block effective legislative actions. Although the Executive and ARENA Party lobbied to have this law take effect in one year, Embassy strongly objected. As a result, the law will enter into force in four months. End Summary.

¶2. (C) In the absence of adequate forensic evidence capabilities, El Salvador's criminal justice system relies heavily on the personal testimony of witnesses as the principal instrument for the conviction of criminals, especially in cases involving violent crimes and those involving gang ("mara") activities. However, the country has always lacked laws to adequately protect witnesses to crimes, much less victims themselves. The killing of witnesses in gang-related cases has become a frequent occurrence in the country, and a key cause of low criminal conviction rates. Last year, at least 13 key witnesses in mara-related crimes were assassinated to keep them from testifying. The Embassy, in support of rule of law, has been a strong proponent of the passage of a local witness protection law, and had included this as a key MPP goal.

¶3. (C) Although the ARENA, PCN, and PDC parties have long supported a witness protection law in private, they did little to advance the passage of the law until the final days of the current legislative assembly, after intensive lobbying by Embassy officials. The legislators from the FMLN opposed the bill on the grounds that it gave too much power to the Justice Sector Committee, the entity charged with coordinating interagency cooperation among justice sector entities.

¶4. (C) According to the new law, the administration of the Witness Protection Program will be delegated to the Technical Executive Unit (UTE), the technical staff of the Justice Sector Committee. Judges, public defenders, prosecutors and the police will be authorized to request witness protection measures from the UTE. Witnesses may be removed from the program if they fail to cooperate with judicial authorities, including failure to testify, providing false testimony, or conducting themselves in a manner which makes their

protection impossible. The law contains important witness protection measures, including provision of new identities, shelter and financial support.

15. (C) Comment: Although the Saca administration and its ARENA party had always expressed their support for this legislation, little had been done in recent past to move it forward in the Assembly. In the end, intensive Embassy lobbying prodded the ARENA, National Conciliation (PCN) and the Christian Democrats (PDC) to move it forward, later to be joined by the dissident-left Democratic Revolutionary Front (FDR) Party. ARENA's reluctance to have the law go into effect immediately was due to the fact that the government will now have to find the money to support witness protection measures. We believe this law could have a major positive impact in drug trafficking, money laundering, and trafficking in persons cases, all of which are of primary importance to USG law enforcement efforts.
Barclay